

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

DARRIS COLTON THOMAS, JR.,

Petitioner,

v.

CASE NO. 19-3235-SAC

JUDGE PATRICK H. THOMPSON,

Respondent.

ORDER TO SHOW CAUSE

This matter is a petition for habeas corpus filed under 28 U.S.C. § 2241. Petitioner is confined in the Saline County Jail following his criminal conviction in the Saline County District Court. He proceeds pro se, and the Court grants leave to proceed in forma pauperis.

**The petition**

Petitioner challenges his detainer under the Kansas Sexually Violent Predator Act, K.S.A. 59-29a01, *et seq.* An action concerning his commitment under that provision is pending in the Saline County District Court under Case No. 2019-PR-000177-SP.

**Analysis**

A state prisoner seeking federal habeas corpus relief under 28 U.S.C. § 2241 must exhaust available state remedies. *Montez v. McKinna*, 208 F.3d 862, 866 (10<sup>th</sup> Cir. 2000). Petitioner has the burden of showing that he has exhausted available remedies. *Miranda v. Cooper*, 967 F.2d 392, 398 (10<sup>th</sup> Cir. 1992).

Because it appears that petitioner is pursuing state court remedies at this time, the Court is considering the dismissal of this matter to allow him to complete the exhaustion process, including

resort to the state appellate courts.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner is granted to and including **December 6, 2019**, to show cause why this matter should not be dismissed without prejudice.

IT IS FURTHER ORDERED petitioner's motion to proceed in forma pauperis (Doc. 2) is granted.

**IT IS SO ORDERED.**

DATED: This 20th day of November, 2019, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge